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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,521	12/20/2000	Paul Vegliante	2112-342 US	6443

7590

04/23/2002

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EXAMINER

HAMILTON, ISAAC N

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,521

Applicant(s)

VEGLIANTE ET AL.

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 03.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification is objected to due to page 4, line 33, which recites "lower portion 21" this should be changed to –lower portion 20—as recited in page 4, line 32.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 11, 13 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Singh et al. (4197774). Singh et al is hereafter referred to as Singh. Note, Singh shows rail base 42, a blade housing 20, and a blade 56.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Singh in view of Chuang (4960022). Singh teaches everything as noted above but does not teach a concave grip surface. However, Chuang includes a concave grip surface. It would have been obvious to include a concave grip surface in Singh as taught by Chuang in order for the user to manipulate the grip with a different hand position.

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6. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh in view of Break (5421231). Singh teaches everything as noted above but does not teach rails that are vinyl or PVC. However, Break teaches that it is known to make rails that are made out of these materials. It would have been obvious to include rails made of these materials in Singh as taught by Break in order to utilize the benefits of these materials. See lines 42-45 of column 3 in Break. Regarding claim 6, official notice is taken that methods of co-extrusion known in the art. It would have been obvious to employ co-extrusion to form the material faster. It is noted that this limitation does not further limit the structure of the apparatus.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh in view of Rodriguez (5819618). Singh teaches everything as noted above but does not teach a housing that is formed of a slippery acetal. However, Rodriguez teaches that it is well known to have a housing that is formed of a slippery acetal. It would have been obvious to include a housing of slippery acetal in Singh as taught by Rodriguez in order to change the friction of the housing surface. See lines 64-65 of column 2.

8. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh. Singh teaches everything as noted above but does not teach a blade that is riveted in place (claim 10) or a blade that is angled at 30 degrees (claim 12). However, it would have been obvious to use riveting in order to connect things, and it would have been obvious to arrive at an angle of 30 degrees as this is a well known cutting angle.

9. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh in view of Lagain (3779121). Singh teaches everything as noted above but does not teach a housing-rail joint being tubular. However, Lagain includes a housing-rail joint that is tubular. It

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would have been obvious to include rails that are tubular in Singh as taught by Lagain to provide high strength rails.

10. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh in view of Tsai (5036740). Singh teaches everything as noted above but does not teach end-caps for the rail. However, Tsai includes end-caps on the rail. It would have been obvious to include end-caps on the rail in Singh as taught by Tsai in order to prevent the cutter from disconnecting from the rail.

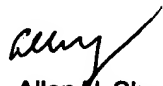
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kaiser et al shows an additional way to attach a cutting edge to a cardboard box or surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

IH
April 17, 2002


Allan N. Shoap
Supervisory Patent Examiner
Group 3700